

Attorney Docket No. P11036-US1
Customer Number 27046

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has canceled original claims 1-10 and replaced them with rewritten claims 11-18. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Abstract

In paragraph 3 of the Office Action, the Examiner objected to the abstract of the disclosure because it was not submitted on separate sheet in accordance with 37 CFR 1.72(b). The Applicant has amended the abstract to place it in better US form and attached the abstract hereto on a separate sheet.

3.) Claim Objections

In paragraph 4 of the Office Action, the Examiner objected to claim 10 for being a multiple dependent claim depending on another multiple dependent claim. Claim 10 has been canceled.

4.) Claim Rejections – 35 U.S.C. § 112

In paragraph 5 of the Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the claims used the phrase "e.g.". The Applicant has canceled the original claims and has rewritten the claims to correct multiple § 112 problems. Therefore, the withdrawal of the rejection is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraph 6 of the Office Action, the Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Bingham (WO 97/40809) in view of Awater, et al. (US 6,005,840). The Examiner stated that Bingham shows the claimed invention except for using an IDFT for modulation and a DFT for demodulation, which are shown

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by Awater. The Applicant has canceled the original claims and substituted claims 11-18 to place the claims in better US form and to distinguish the claimed invention from Bingham and Awater. The Examiner's consideration of new claims 11-18 is respectfully requested.

The subject matter of independent claims 11 and 15 differs from Bingham in the manner in which the modulation of the compensating tones is calculated. According to claim 11, modulation is calculated in such a manner as to ensure that an integral of a weighted transmitted power density spectrum is minimized over the entire frequency range. According to claim 15, modulation is calculated in such a manner as to ensure that an integral is minimized over the entire frequency range of the weighted, squared value of the Fourier transformation of the transmitted data signal over a predefined number of data blocks. Basis for the amendments is found in the originally filed specification on page 7, lines 4-6; and page 7, lines 9-14.

These methods of calculating the modulation of the compensating tones is not taught or suggested by Bingham or Awater. Therefore, the withdrawal of the rejection under § 103 and the allowance of independent claims 11 and 15 are respectfully requested.

Dependent claims 12-14 and 16-18 recite further limitations in combination with the novel elements of base claims 11 and 15, respectively. Therefore, the allowance of claims 12-14 and 16-18 is respectfully requested.

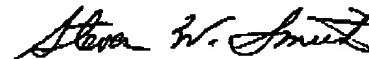
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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-18.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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